

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

STEVEN A. HOGUE,

Petitioner,

vs.

VACA, *et al.*,

Respondents.

2:11-cv-00920-JCM-RJJ

ORDER

Petitioner has submitted an application (#1) to proceed *in forma pauperis* and a habeas petition.

The matter has not been properly commenced because the pauper application does not include all required attachments. Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR1-2, the petitioner must attach both an inmate account statement for the past six months and a properly executed financial certificate. Petitioner submitted neither.

The application therefore will be denied, and the present action will be dismissed without prejudice to the filing of a new petition in a new action with a pauper application on the proper form with all required attachments. It does not appear that a – promptly – filed new petition will be untimely. Petitioner at all times remains responsible for calculating the running of the federal one-year limitation period and filing a properly-commenced timely action.

IT THEREFORE IS ORDERED that the application (#1) to proceed *in forma pauperis* is DENIED and that this action shall be DISMISSED without prejudice to the filing of a new petition in a new action with a new pauper application with all required attachments.

1 IT FURTHER IS ORDERED that a certificate of appealability is DENIED as to the
2 dismissal without prejudice.

3 IT FURTHER IS ORDERED that the clerk of court shall send petitioner two copies of
4 an application form to proceed *in forma pauperis* for incarcerated persons, two copies of a
5 noncapital Section 2254 habeas form, one copy of the instructions for each form, and a copy
6 of the papers that he submitted in this action.

7 The clerk of court shall enter final judgment accordingly, dismissing this action without
8 prejudice.

9 DATED: June 13, 2011.

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14 JAMES C. MAHAN

15 United States District Judge
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